

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 919.431.3000 or email oah.postmaster@oah.nc.gov.

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.1 that the Division of Health Benefits intends to adopt the rule cited as 10A NCAC 21A .0304.

Codifier of Rules approved this rule as an emergency rule effective May 4, 2020 and received for publication the following notice and proposed temporary rule on April 23, 2020.

Public Hearing:

Date: May 20, 2020

Time: 10:00 a.m. until noon

Location: Remote hearing-Join by dialing (877) 336-1839, entering access code 3956100. Do not dial in before 9:45a.m.

Reason for Proposed Temporary Action: On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. The COVID-19, previously unidentified in humans, spreads easily from person to person that can result in serious illness or death. Once an outbreak of the COVID-19 begins, it is difficult to contain. The World Health Organization declared COVID-19 a global pandemic on March 11, 2020. On March 27, 2020, the Governor issued Executive Order No. 121 directing Essential Business and Operations to have employees utilize telework to the greatest extent possible. The emergency rule is needed to permit conducting county appeals hearings by phone or other electronic means to ensure the health and safety of our beneficiaries, county staff and state staff while continuing to adjudicate appeals. This measure is in the public interest and promotes the ends of justice as delaying appeal hearings would be detrimental in a time of greater health needs and economic fragility of North Carolinians.

Comment Procedures: Comments from the public shall be directed to: Shazia A. Keller, Division of Health Benefits, 2501 Mail Service Center, Raleigh, NC 27699; phone 919-855-4019; email shazia.keller@dhhs.nc.gov. The comment period begins April 24, 2020 and ends May 22, 2020.

CHAPTER 21 - MEDICAL ASSISTANCE ADMINISTRATION

SUBCHAPTER 21A - GENERAL PROGRAM ADMINISTRATION

SECTION .0300 - APPEALS

10A NCAC 21A .0304 CONDUCTING IN COUNTY APPEAL HEARINGS BY TELEPHONE OR ELECTRONIC MEANS

For public assistance and social services appeals filed pursuant to G.S. 108A-79:

- (1) The Department may require conducting in county appeal hearings by telephone or feasible electronic means.
- (2) The Department shall notify the appellant when in county hearings are required to be conducted in this manner by First Class U.S. Mail and make hearing arrangements considering the technology medium available to the appellant.

Authority G.S. 108A-54; 108A-79; 42 C.F.R. 431.205; 42 C.F.R. 431.240.